

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Monday, June 24, 2013**  
**City Hall, Room 604**  
**6:00 p.m.**

**MEMBERS PRESENT:** M. Conard–Chair, L. Queoff–Vice-Chair, S. Bremer, J. Reck, T. Duckett, and J. Wiezbiskie

**MEMBERS EXCUSED:** T. Gilbert

**OTHERS PRESENT:** R. Strong, P. Neumeyer, Ald. A. Kocha, Ald. J. Brunette, Ald. D. Boyce, T. Garcia, A. Guzman, and M. Hubbard

**APPROVAL OF MINUTES:**

Approval of the minutes from the June 10, 2013, Plan Commission meeting

A motion was made by S. Bremer and seconded by T. Duckett to approve the minutes from the June 10, 2013, Plan Commission meeting with the following underlined revisions on Page 3.

J. Wiezbiskie asked where the entrances are to each unit. E. Schanau said there are two entrances in the rear and one entrance each in the front and side.

Motion carried.

**PUBLIC HEARING:**

1. (CPA 13-01) Public Hearing on the request of Alderman Nicholson to amend the *Smart Growth 2022 Comprehensive Plan* to reduce the density of future land uses for an area generally located in the 820 to 1020 Blocks of Bader Street and the 2060 to 2220 Blocks of Manitowoc Road from Medium/High Density Housing to Low Density Housing to be consistent with current uses and zoning

The Chair asked three times if anyone present would like to testify regarding this matter. When no one came forward, the hearing was closed.

**COMMUNICATIONS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

2. (CPA 13-01) Discussion and action on the request of Alderman Nicholson to amend the *Smart Growth 2022 Comprehensive Plan* to reduce the density of future land uses for an area generally located in the 820 to 1020 Blocks of Bader Street and the 2060 to 2220 Blocks of Manitowoc Road from Medium/High Density Housing to Low Density Housing to be consistent with current uses and zoning (Figure 22-5) (Ald. Nicholson, District 3)

P. Neumeyer gave the staff report and recommendation. The area is high-density. There are a number of multi-family units along Manitowoc Road. Under the current Comprehensive Plan, the area is recommended for Medium to High Density Residential. Ald. Nicholson was concerned about further multi-family units going into this area. The request would be consistent

with existing land uses. Staff's recommendation is to support the amendment to Low Density Residential.

J. Wiezbiskie commented on Ald. Nicholson's efforts to lower the density in his district. He feels this request will assist his efforts.

S. Bremer said it was noted in the staff report that the change will correct an error made in the original Comprehensive Plan. She questioned if staff recalled some of the reasoning behind identifying the area as multi-family since it was already a single-family area.

P. Neumeyer did not know the reasoning.

Ald. Kocha asked how the change will manifest over time when homeowners want to change the use of their properties. P. Neumeyer said the change assures existing property owners that properties surrounding them would be of like nature in Low Density Residential.

A motion was made by J. Wiezbiskie and seconded by J. Reck to approve the request of Alderman Nicholson to amend the *Smart Growth 2022 Comprehensive Plan* to reduce the density of future land uses for an area generally located in the 820 to 1020 Blocks of Bader Street and the 2060 to 2220 Blocks of Manitowoc Road from Medium/High Density Housing to Low Density Housing to be consistent with current uses and zoning. Motion carried.

3. (ZP 13-02) Discussion and action on the request to authorize a Conditional Use Permit (CUP) to operate a minor auto repair in a General Industrial (GI) District located at 710 Vanderbraak Street submitted by Arlene A. DeGuzman, property owner (Ald. Moore, District 6)

P. Neumeyer gave the staff report and recommendation. The Comprehensive Plan calls for Industrial in the area. The current zoning is General Industrial. The property owner submitted both a site plan and operating plan. The property is located in a floodplain, so there will be measures taken to elevate any hazardous materials that might be associated with this use. Affected property owners have been notified, and staff has not received any questions or complaints regarding this item. Staff is recommending approval with the following conditions:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.
- b) All vehicle parts including tires shall be stored inside of an enclosed building.
- c) Compliance with the submitted operations plan and submitted site plan.
- d) There shall be no expansion of the conditional use without Plan Commission and City Council approval.

S. Bremer asked if the Plan Commission would be considering the activation of the proposed car lot that would be attached. P. Neumeyer said the Commission would not; the current zoning already permits that use.

L. Queoff asked what activity is taking place on the site currently. P. Neumeyer said an auto business has been operating there illegally for months.

A motion was made by L. Queoff and seconded by T. Duckett to authorize a Conditional Use Permit (CUP) to operate a minor auto repair in a General Industrial (GI) District located at 710 Vanderbraak Street with the following conditions:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.
- b) All vehicle parts including tires shall be stored inside of an enclosed building.

- c) Compliance with the submitted operations plan and submitted site plan.
- d) There shall be no expansion of the conditional use without Plan Commission and City Council approval.

Motion carried.

- 4. (ZP 13-06) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1233 Shadow Lane submitted by Valerie & Michael Hubbard, property owners (Ald. Brunette, District 8)

P. Neumeyer gave the staff report and recommendation. The Comprehensive Plan and current zoning are both Low Density Residential. This is the eighth proposed TRP within the immediate neighborhood. The applicant has submitted an operating plan and has conducted a neighborhood meeting. Staff identified that there were a number of police calls received regarding a rental property owned by the applicant. Staff expressed its concern about the continued erosion of the neighborhood with additional TRP. Staff is recommending approval of the request subject to the standards in 13-1602(j).

M. Conard asked why staff would recommend approval of the request when there are concerns. P. Neumeyer said he would want the applicant to address the police calls. In previous meetings, the Plan Commission discussed the concern regarding neighborhood erosion.

J. Reck said the Plan Commission continues to review TRPs, and it puts the Commission in a tough spot without having some sort of blanket guidance or framework on which to make the decision.

S. Bremer commented on the framework the Plan Commission was given to approve TRPs and said density is the only very general item.

Ald. Brunette said he did not receive any comments on this request, so therefore he is in support. He had concerns about the neighborhood turning into something that was not intended, and the neighborhood association was in opposition of it in the beginning.

Discussion ensued amongst the Commissioners regarding the police calls.

Mike Hubbard, 885 Jennifer Lane – He and his wife maintain their rental properties. They have been residents in the neighborhood since 2005. They called a neighborhood meeting and notified residents within 500 feet of the property; no one came. He addressed each of the police calls to the properties.

A motion was made by T. Duckett and seconded by J. Reck to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1233 Shadow Lane subject to compliance with the Development standards found in 13-1602(j). Motion carried.

- 5. (TA 12-06A) Discussion and action on the request of Alderman Tom De Wane to amend the ordinance regarding the Board of Appeals voting requirements

P. Neumeyer gave the staff report and recommendation. The former standards prior to the last amendment were four members voting concurrently to grant a variance. Last year, it was changed to a two-thirds majority. The current proposition is to change the verbiage to the majority. Staff's recommendation is to approve the request using majority as the verbiage.

L. Queoff asked if the Board of Appeals still has positions for five regular members and two alternate members. P. Neumeyer said that is the case to date; both alternate member positions are vacant at this time.

J. Wiezbiskie asked why the Board of Appeals is set up so differently from the other committees, commissions, and boards. P. Neumeyer said the Board is different in that it is quasi-judicial like a court and has different rules by ordinance.

R. Strong added that the Board of Appeals decisions are final and do not go to the City Council for consideration.

J. Reck is concerned that due to poor member attendance and rules that prohibit variances from being granted without that attendance, the hardship falls back onto the applicant with any time-sensitive issues and also with having to attend another meeting hoping for the appropriate level of member attendance.

S. Bremer said she realizes it is difficult for the applicants to prove a hardship for a variance request to begin with, and then they can go through additional hardships regarding the Board member voting process.

A motion was made by J. Wiezbiskie and seconded by L. Queoff to approve the request of Alderman Tom De Wane to amend the ordinance regarding the Board of Appeals voting requirements as follows: if a quorum is present, the concurring vote of a **majority two-thirds or more** of the members present of the Board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a temporary, unclassified, or substituted use. Motion carried.

6. Discussion and action on the request of Commissioner Bremer to review area of affected owner notification regarding the zoning petitions process

P. Neumeyer gave the staff report and recommendation. The Plan Commission had asked to quantify the cost and amount of staff time spent to expand the notification boundaries from 100 feet to a greater amount to include more property owners. Currently it costs approximately \$17.25 year-to-date to mail zoning petition notices on average. If the area was expanded to 200 feet, it would cost approximately \$34.50, and a radius of 300 feet would cost around \$51.75. Surrounding communities were contacted for current policies regarding property owner notification, and those results were shared with the Commissioners. Staff supports expanding the radius to 200 feet.

S. Bremer wondered if staff required expanded notification requests by alderpersons to be in writing prior to this staff recommendation. P. Neumeyer said this was not required prior to this policy recommendation. A telephone call or email would suffice to let staff know to expand the notification boundaries.

S. Bremer feels the 200-foot radius is reasonable regarding cost and staff time.

A motion was made by S. Bremer and seconded by L. Queoff to expand to a 200-foot radius for notice area for zoning petitions to the Plan Commission and to clarify that any adjacent public rights-of-way (such as alleys, streets, and paths) would be excluded from the notification radius, the notification letters will continue to encourage information distribution to other interested parties, business organizations, neighborhood associations, and that alderpersons will continue to have the right to request a larger notification area. Motion carried.

#### **OTHER:**

Director's Update on Council Actions

R. Strong gave the following updates from the last City Council meeting:

- The townhouse projects on Van Buren Street were approved.

- The conditional uses for 602 N. Chestnut and 1108 Cherry Street were approved.
- The Blackstone restaurant, 117 N. Ashland Avenue, item was referred back to the Plan Commission. City Council would like the Plan Commission to review the possibility of an acceptable buffer.
- A Development Agreement was approved for the Schauer & Schumacher building to develop 8-14 apartments or condominiums.
- A Development Agreement was approved for the Dermond project to develop 93 apartment units in the parking lot next to Nicolet Bank.

**SUBMITTED PETITIONS: (for informational purposes only)**

None

A motion was made by J. Reck and seconded by L. Queoff to adjourn. Motion carried.

Meeting adjourned at 7:35 p.m.